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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,267	01/27/2004	Raymond Willis Blodgett JR.	18393-512	3429

7590

08/09/2005

INSKEEP INTELLECTUAL PROPERTY GROUP, INC.

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EXAMINER

PEDDER, DENNIS H

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,267

Applicant(s)

BLODGETT, RAYMOND WILLIS

Examiner

Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-26 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Affidavit filed on July 27, 2005 under 37 CFR 1.131 is deemed sufficient to overcome the McManus et al. reference, US 2002/0084664. Applicant has established at exhibit 2, in conjunction with the sworn affidavit by Mr. Blodgett, Jr. identifying the designation LPS-20504 as the two part support rail as claimed in this application, an actual reduction to practice by August 11, 2000. The finality of the previous rejection is withdrawn and a rejection follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8-14, 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen.

Rasmussen has first frame member 54, floor to compartment 30 and connected to second frame member 380 or 390, figures 19A and 19B. The second frame member has first and second rails 382,384 and 382,390, respectively.

As to claim 11, Rasmussen has two movable members and two stationary members.

As to claim 13, Rasmussen has a gear rack between the support rails as seen in the figures.

As to claim 20, the rails are connected and spaced at lateral ends.

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4. Claim 1, 2, 4, 5, 6, 8-12, 15-17, 19, 20, 23-25 are further rejected under 35 U.S.C. 102(b) as being anticipated by Pezzaglia.

Pezzaglia has first frame member 12, first frame rail 8, and second frame rail 2 and floor disclosed.

As to claim 6, see intervening structure 7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 15-17, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen in view of Smith.

Rasmussen is aware of the possibility of different configurations for the cross-sectional shapes of the dual rails, column 19, lines 57-60. Smith teaches that vehicle support beams are interchangeably channel, I, H, right circular, cylindrical, tubular or rectangular in cross section. It would have been obvious to one of ordinary skill to provide in Rasmussen rectangular or tubular support rails as taught by Smith as a known alternative in the art. Motivation is increased strength of the additional wall as an engineering trade-off to increased weight and cost.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen.

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Welding is a commonly known method of connecting metallic members, obvious to use here as a strong and economical method. This rejection remains final.

8. Claims 18, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen or Pezzaglia in view of Schneider, US 5,902,001.

It would have been obvious to one of ordinary skill to provide the slide out mechanism of Rasmussen in a flush floor configuration as taught by Schneider in order to avoid occupant tripping.

Allowable Subject Matter

9. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

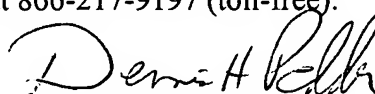
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667.

The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dennis H. Pedder
Primary Examiner
Art Unit 3612

8/3/05

DHP
8/3/2005